

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
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First Regular Session
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CHAPTER 123

HOUSE BILL 2339

AN ACT

AMENDING SECTIONS 41-1604, 41-1825 AND 41-2804, ARIZONA REVISED STATUTES;
RELATING TO PEACE OFFICER TRAINING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1604, Arizona Revised Statutes, is amended to
3 read:

4 41-1604. Duties and powers of director

5 A. The director shall:

6 1. Be responsible for the overall operations and policies of the
7 department.

8 2. Maintain and administer all institutions and programs within the
9 department, including prisons, reception and diagnostic centers, conservation
10 camps, community correctional centers and such other facilities and programs
11 as may be required and established for the custody, control, correction,
12 treatment and rehabilitation of all adult offenders who are committed to the
13 department.

14 3. Be responsible for the administration and execution of all
15 community supervision services, including those for adult offenders who are
16 released in accordance with law.

17 4. Develop a program to provide uniform statewide community
18 supervision field services in this state and employ parole or community
19 supervision officers based on qualifications prescribed by the director,
20 including physical, psychological and educational qualifications and
21 practical experience.

22 5. Be responsible for the development of policies and programs that
23 shall be recommended to the governor and the legislature for the purpose of
24 improving the various adult correctional programs of this state.

25 6. Develop and establish a uniform statewide method of reporting
26 statistics as related to this chapter.

27 7. Employ deputy directors and other key personnel based on
28 qualifications prescribed by the director that require education and
29 practical experience.

30 8. Adopt rules pursuant to chapter 6 of this title for the development
31 of incentives to encourage good behavior and the faithful performance of work
32 by prisoners.

33 9. Adopt rules pursuant to chapter 6 of this title to limit inmate
34 access to the internet through the use of a computer, computer system,
35 network, computer service provider or remote computing service.

36 10. Cooperate with the Arizona-Mexico commission in the governor's
37 office and with researchers at universities in this state to collect data and
38 conduct projects in the United States and Mexico on issues that are within
39 the scope of the department's duties and that relate to quality of life,
40 trade and economic development in this state in a manner that will help the
41 Arizona-Mexico commission to assess and enhance the economic competitiveness
42 of this state and of the Arizona-Mexico region.

43 B. The director may:

44 1. Adopt rules to implement the purposes of the department and the
45 duties and powers of the director.

1 2. Take any administrative action to improve the efficiency of the
2 department, including the following:

3 (a) Create new divisions or units or consolidate divisions or units.

4 (b) Transfer employees between the various divisions and units of the
5 department.

6 (c) Shift duties between divisions or units.

7 (d) Delegate to appropriate personnel the administrative functions,
8 powers or duties that the director believes can be competently, efficiently
9 and properly performed. The director shall not delegate the responsibilities
10 in subsection A, paragraphs 1 and 5 of this section.

11 (e) Transfer adult inmates between adult institutions or adult
12 facilities.

13 (f) Authorize work crews to perform acceptable tasks in any part of
14 the state.

15 (g) Accept unconvicted persons pursuant to a court order for purposes
16 of examination and treatment regarding competency to understand any stage of
17 a criminal proceeding after indictment or information or their ability to
18 assist in their own defense.

19 (h) Accept convicted yet unsentenced persons pursuant to a court order
20 for purposes of conducting a mental health examination or a diagnostic
21 evaluation.

22 (i) Appoint certain employees of the department to peace officer
23 status for purposes of guarding, transporting or pursuing persons who are
24 under the jurisdiction of the department and appoint certain employees of the
25 department to peace officer status for purposes of investigating or arresting
26 persons who commit or attempt to commit offenses directly relating to the
27 operations of the department. Peace officers of the department shall not
28 preempt the authority and jurisdiction of established agencies of this state
29 and political subdivisions of this state. Such officers shall notify
30 agencies of this state and political subdivisions of this state before
31 conducting an investigation within the jurisdiction of the agency and before
32 making an arrest within the jurisdiction of the agency and shall ask, except
33 in an emergency, if the agency wishes to participate, perform the
34 investigation or arrest the person to be arrested before proceeding.
35 Personnel who are appointed as peace officers by the director shall have the
36 minimum qualifications established for peace officers pursuant to section
37 41-1822. Personnel who are appointed by the director pursuant to this
38 subdivision are not eligible to participate ~~in funding provided by the peace~~
39 ~~officers' training fund established by section 41-1825 or in the public~~
40 ~~safety personnel retirement system except as otherwise provided in title 38,~~
41 ~~chapter 5, article 4.~~

42 (j) Operate travel reduction programs that are subsidized by the
43 department for employees who commute between work and home by vanpools,
44 carpools and buses or in vehicles that are purchased or leased by the
45 department.

1 Sec. 2. Section 41-1825, Arizona Revised Statutes, is amended to read:
2 41-1825. Peace officers' training fund

3 A. A special fund designated as the peace officers' training fund is
4 established. All monies deposited in the fund are continuously appropriated
5 to the department of public safety for the benefit of the board. The monies
6 shall be used exclusively for the costs of training peace officers, including
7 Indian tribe police officers who are training to be qualified pursuant to
8 section 13-3874 AND FULL AUTHORITY PEACE OFFICERS WHO ARE APPOINTED BY THE
9 DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS AND THE DIRECTOR OF THE
10 DEPARTMENT OF JUVENILE CORRECTIONS, for grants to state agencies, counties,
11 cities and towns of this state for peace officer training,— and for expenses
12 for the operation of the board. No peace officers' training fund monies may
13 be spent for training correctional officers ~~or any peace officers~~ of the
14 state department of corrections.

15 B. All amounts to be paid or advanced from the fund shall be on
16 warrants drawn by the department of administration on presentation of a
17 proper claim or voucher that is approved and signed by the executive
18 director.

19 C. The executive director shall lawfully disburse monies as approved
20 by the board.

21 D. The board may use and the department of public safety shall provide
22 to the board administrative support services. The board shall reimburse the
23 department for expenses incurred for services that are provided beyond those
24 required for the normal operation of the department. This subsection does
25 not require the department to provide administrative SUPPORT services that
26 are different in kind from those that were provided on January 1, 2000. For
27 the purposes of this subsection, "administrative support services" includes
28 all services relating to business office, finance and procurement,
29 information management and technology, fleet, human resources, supply,
30 telecommunications, facilities, security and clerical and administrative
31 assistance personnel.

32 Sec. 3. Section 41-2804, Arizona Revised Statutes, is amended to read:
33 41-2804. Duties and powers of director

34 A. The director shall:

35 1. Be responsible for the overall operations and policies of the
36 department.

37 2. Maintain and administer all secure care facilities and programs
38 within the department required and established for the custody, control,
39 treatment, education and rehabilitation of all youth committed to the
40 department.

41 3. Be responsible for the administration and execution of all
42 conditional liberty services for youth released pursuant to rules adopted by
43 the director in accordance with law.

44 4. Be responsible for the development of policies and programs which
45 shall be recommended to the governor and the legislature for the purpose of
46 improving the youth rehabilitative and treatment programs of this state.

1 5. Develop and establish a uniform statewide method of reporting
2 statistics as related to this chapter.

3 6. Employ deputy directors and other key personnel based on
4 qualifications prescribed by the director which require education and
5 practical experience.

6 B. The director may:

7 1. Adopt rules to implement the purposes of the department and the
8 duties and powers of the director.

9 2. Take any administrative action to improve the efficiency of the
10 department, including the following:

11 (a) Create new divisions or units or consolidate divisions or units.

12 (b) Transfer employees between the various divisions and units of the
13 department.

14 (c) Shift duties between divisions or units.

15 (d) Delegate authority to appoint, hire, terminate and discipline all
16 personnel of the department, including specialists and consultants.

17 (e) Transfer committed youth between secure care facilities.

18 (f) Transfer youth who have been committed to the department or to any
19 facility under its jurisdiction between the various secure care facilities
20 for youths, foster homes and public and private agencies on notification to
21 the committing court.

22 (g) Appoint certain employees of the department to peace officer
23 status for purposes of guarding, transporting or pursuing persons under the
24 jurisdiction of the department and appoint certain employees of the
25 department to peace officer status for purposes of investigating or arresting
26 persons who commit or attempt to commit offenses directly relating to the
27 operations of the department.

28 3. Contract with other agencies or institutions in furtherance of any
29 department program.

30 C. Peace officers of the department shall not preempt the authority
31 and jurisdiction of established agencies of this state and political
32 subdivisions of this state. Such officers shall notify agencies of this
33 state and political subdivisions of this state before conducting an
34 investigation within the jurisdiction of the agency and before making an
35 arrest within the jurisdiction of the agency and shall ask, except in an
36 emergency, if the agency wishes to participate, perform the investigation or
37 arrest the person to be arrested before proceeding. Personnel appointed as
38 peace officers by the director shall have the minimum qualifications
39 established for peace officers pursuant to section 41-1822. Personnel
40 appointed by the director pursuant to subsection B, paragraph 2, subdivision
41 (g) of this section are not eligible to participate in funding provided by
42 the peace officers' training fund established by section 41-1825 or in the
43 public safety personnel retirement system except as otherwise provided in
44 title 38, chapter 5, article 4.

APPROVED BY THE GOVERNOR APRIL 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2007.